

40.260 SPECIAL USES AND STANDARDS

40.260.110 RESIDENTIAL IN-FILL

- A. Purpose. The intent of this section is to encourage the development of by-passed urban parcels in the R1-5, R1-6 and R1-7.5 zones. The ordinance includes incentives, design criteria and increased public notification standards to encourage infill while also striving to retain neighborhood compatibility.
- B. Applicability.
1. Eligibility Criteria. This section may be applied to parcels created by legal land division, consistent with RCW 58.17 prior to October 1, 2002 that meet all of the following:
 - a. The parcel is within an urban growth area adopted prior to December 31, 1994 and is within the R1-5, R1-6 or R1-7.5 zoning district; and
 - b. The maximum gross ~~size of the parcel~~ area is two and one-half (2.5) acres or smaller. In existing subdivisions recorded after December 31, 1961, if all contiguous lots are developed with existing dwellings, the gross size of the parent parcel must be at least 20,000 square feet; and
 - c. The proposed development can and will be served by urban services at the time of final plat ~~or site plan~~ approval; and
 - d. There is urban development abutting the subject site on at least 50% of its non-street perimeter. For the purposes of this section, "non-street perimeter" shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

Figure 40.260.110-1
Illustration of Eligibility Criterion (B)(1)(d),
Non-Street Perimeter Example

2. For the purposes of Section 40.260.110, "urban services" shall mean public water system and public sewer service. (See Chapter 30.370.)
 3. For the purposes of Section 40.260.110, "urban development" shall mean a parcel that meets at least one of the following criteria:
 - a. Parcels two and one-half (2.5) acres or smaller in gross size that have existing residential development; or
 - b. All parcels with existing non-residential or multi-family structures that are currently receiving urban services; or
 - c. Tax exempt parcels, regardless of development status; or
 - d. All plats which have received final approval and are recorded within the last five (5) years from the date of application for that short plat or subdivision.
- C. Applicability of the Standards. There are two levels of infill standards and incentives: Tier 1 and Tier 2. The

Tier 2 infill standards offer greater incentives but require a neighborhood meeting and a larger rear setback. Application of either the Tier 1 or Tier 2 infill provisions of this section are an option available for parcels that meet the eligibility criteria. However, all infill parcels created as a result of the application of this section and the subsequent infill development on those parcels shall be subject to the standards of this section.

D. Definitions.

For the purposes of this section, the following definitions apply:

Infill parent parcel	"Infill parent parcel" is the larger parcel of land from which infill parcels <u>lots</u> are divided.
Infill Land Division	"Infill Land Division" is the division of an infill parent parcel using some or all of the standards of this section. Tier 1 Infill Land Divisions are those divisions that utilize only the Tier 1 standards of this section. Tier 2 Infill Land Divisions are those divisions that utilize one or more of the Tier 2 standards of this section.
Infill <u>lots</u> parcels	"Infill parcels <u>lots</u> " are either parcels that meet the eligibility criteria in 40.260.110(B)(1) or those parcels <u>lots</u> created by the land division of an infill parent parcel through the application of the standards in this section. Tier 1 Infill Parcels <u>Lots</u> are created as a result of Tier 1 Land Divisions. Tier 2 Infill Parcels <u>Lots</u> are created as a result of Tier 2 Land Divisions.
Infill development	"Infill development" is the subsequent residential development on infill parcels <u>or lots</u> .
Infill Duplex	"Infill Duplex": shall mean a building on a single lot designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units and located on one legal lot.
Infill Development Plan	"Infill Development Plan": is a plan that is required to be submitted with attached single-family infill development which identifies the existing and proposed lot and building design characteristics.

E. Relationship to Other Development Standards.

1. All of the provisions of the county code that would apply to a non-infill project shall apply to infill projects except as specifically modified by this section.
2. If there is a conflict between the standards of this section and the provisions of any applicable overlay districts or combining districts, the overlay district or combining district standards shall supersede the standards of this section.

F. Procedures.

1. Development on Infill ~~Parcels~~ Lots. All development on infill ~~parcels~~ lots created pursuant to this Section 40.260.110 shall be subject to the standards for Infill Development. The applicable Infill Development Standards shall be recorded as a deed restriction with the final plat as a condition of approval.
2. Pre-Application ~~Meeting~~ Conference. A pre-application conference meeting shall be held prior to submission of a Type II or III application for an infill land division. ~~The p~~Pre-application conference ~~meetings~~ required may not be waived. In addition to requirements of section Chapter 40.510 for notification and attendance of meetings, the following shall apply for infill developments.
 - a. Staff shall mail notice of the meeting at least fifteen (15) days prior to the pre-application conference meeting to residents and owners of property within a radius of three hundred (300) feet of the boundaries of the subject property. The records of the County Assessor shall be used for determining the property owners of record.
 - b. Members of the public shall be allowed to comment on the proposal during a specified comment period at the meeting.

G. Tier 1 Infill Standards and Incentives. Tier 1 Infill Parcels, infill land divisions and the subsequent infill development on Tier 1-infill ~~parcels~~ lots shall be subject to the following standards and incentives.

1. Parcel Area Averaging. Within an infill land division for detached single family development, the minimum/maximum parcel area may be averaged as long as no parcel is smaller than the minimum parcel area identified in Table 40.260.110-1 and provided that the proposed land division complies with

the minimum average and maximum density lot size standards of the underlying zone. Minimum parcel area shall not be further reduced by a variance procedure in Section 40.550.020. However, this shall not preclude variances to other standards.

Table 40.260.110-1
Minimum Parcel Area for Detached Single Family Dwellings

Zoning District	Minimum Parcel Area Detached Single Family (in square feet)
R1-5	4,000 sf
R1-6	4,500 sf
R1-7.5	6,000 sf

2. Dwelling Type. Only detached single family dwellings shall be allowed on Tier 1 infill lots.
 3. Minimum Parcel Width and Depth. Within an infill land division, lot width or depth standards in Section 40.220.010(C)(1) shall not apply. However, subsequent development on infill ~~parcels~~ lots, which were created with less than the minimum width and depth required by the base zone, shall not be granted a variance to the minimum setback or frontage requirements.
 4. Setbacks. Infill Parcels developed under provisions of this section shall comply with setback requirements of Section 40.220.010(C)(1), except as follows:
 - a. Minimum Front Setback.
 - (1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) Ten (10) feet for all other structures.
 - b. Minimum Side Setback.
 - (1) Where vehicular access is through the side setback - Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) All other uses shall comply with the standard side setbacks of the applicable zoning district.
 - c. Minimum Rear Setback.
 - (1) Where vehicular access is through the rear setback -Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry, except on an alley there may be a minimum five (5) foot setback from the rear property line abutting the alley.
 - (2) All other uses shall comply with the standard rear setbacks of the applicable zoning district.
- H. Ineligibility to Use Density Transfer. Infill developments are not eligible to use Section 40.220.010(C)(2), Density Transfer provisions.
- I. Tier 2 Infill Standards and Incentives. In addition to 40.260.110 (G)(2), ~~the Tier 1 standards and incentives,~~ Tier 2 infill land divisions and the subsequent development on those Tier 2 infill ~~parcels~~ lots shall be subject to the following standards and incentives.
1. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of a Type II or III application for a Tier 2 Infill Land Division. The applicant shall hold a public meeting to offer owners of property adjacent to the ~~affected~~ subject property an opportunity to participate in the development process. A pre-application conference is not a substitute for the required neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines established by the county.
 - a. The neighborhood meeting shall be held no earlier than ninety (90) days prior to submittal of the application.
 - b. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the neighborhood meeting to:
 - (1) the official representative(s) of the county-recognized neighborhood association(s), if applicable, in whose boundaries the ~~affected~~ subject property is located, based on the list of official neighborhood associations kept by the responsible official, and
 - (2) residents and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the County Assessor shall be used for determining the

- property owners of record, and
 - (3) the responsible official.
 - c. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
 - d. A copy of the notice, proposed development plan as presented at the meeting, the mailing list, meeting summary and the sign-in sheet from the meeting shall be submitted with the application.
2. Minimum ~~Parcel~~ Lot Area.
- a. ~~Tier 2 Infill parcels lots for attached detached~~ single family development shall meet the minimum ~~and maximum parcel lot~~ area and density requirements in Table 40.260.110-2, though parcel area averaging may be used per Section 40.260.110(I)(5)(d). The minimum lot area for attached single family dwelling developments is as long as the overall density in Table 40.260.110-4 and shall be is met.

Table 40.260.110-2
Minimum ~~Parcel~~ Average Lot Area and Maximum Density
For Tier 2 Detached Single Family Dwellings

Zoning District	Minimum <u>Average Lot Area</u> (in sq. ft.) And <u>Maximum Density</u>
R1-5	4,000 sf / 10.9 dwelling units/acre
R1-6	4,500 sf / 9.7 dwelling units/acre
R1-7.5	6,000 sf / 7.3 dwelling units/acre

- b. Minimum ~~parcel lot~~ area shall not be further reduced by a variance procedure in Chapter 40.570. However, this shall not preclude variances to other numerical standards, nor shall it preclude parcel area averaging under Section 40.260.110(I)(5)(d).
1. Maximum Lot Coverage. Maximum lot coverage may be sixty-percent (60%) in a Tier 2 infill development. An additional 10% of lot coverage, for a maximum of 70%, may be granted by the responsible official through a Type II process if the Community Development Director finds that allowing additional lot coverage on the subject site will not result in unmitigatable negative impacts on neighboring properties.
2. Setbacks. Minimum setbacks in all zones shall be as follows:
- a. Minimum Front Setback.
 - (1) Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) Ten (10) feet for other buildings as defined in 40.100.070.
 - b. Minimum Side Setback.
 - (1) Single family attached dwellings – interior side setback between attached buildings may be zero (0) feet.
 - (2) Where vehicular access is through the side setback - Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (3) All other uses shall comply with the ~~standard~~ minimum side setbacks of the applicable zoning district.
 - c. Minimum Rear Setback.
 - (1) Where vehicular access is through the rear setback -Eighteen (18) feet for garage door or carport entrance or other similar vehicular shelter entry.
 - (2) The minimum rear setback shall be ten (10) feet when the rear setback of the proposed infill development abuts parcels with existing single family dwellings.
 - (3) All other uses shall comply with the standard rear setbacks of the applicable zoning district.
3. Additional Dwelling Types Allowed. In addition to the ~~uses dwelling types~~ allowed by Section 40.220.010, duplexes and attached single family dwellings are allowed on infill ~~parcels lots~~ subject to the Tier 2 standards of this section:
- a. Infill developments of three (3) or fewer ~~parcels lots~~ may have a duplex on a maximum of one (1) ~~parcel lot~~. Infill land divisions which result in more than three (3) ~~parcels lots~~ may have duplexes on a maximum of one-third of the ~~parcels lots~~. When the calculation of minimum density results in a fraction of a dwelling unit, the applicant must round down to the nearest whole unit. Infill ~~parcels lots~~

for duplex development shall meet the minimum ~~parcel lot~~ area requirements in Table 40.260.110-3 and shall be noted on the face of the plat. The maximum ~~parcel lot~~ area standards of Section 40.220.010 shall not apply to infill ~~parcels lots~~ for duplex development.

Table 40.260.110-3
Minimum ~~Parcel Lot~~ Area for Duplex Dwellings

Zoning District	Minimum Parcel Lot Area (in sq. ft.)
R1-5	6,000 sf
R1-6	8,000 sf
R1-7.5	10,000sf

- b. Procedures. Attached single-family development proposals using the provisions of this section shall be subject to the following procedures:
- (1) Land divisions shall be reviewed ~~according to~~ in accordance with Chapter 40.540.
 - (2) Infill development shall ~~require include~~ submittal of an infill development plan. ~~Where land is to be subdivided, Tier 2 attached single family dwelling~~ development proposals must receive approval of an infill development plan demonstrating how the proposal complies with this chapter and all other applicable requirements. The infill development plan consistent with subsection (b)(6) below shall be submitted and reviewed in conjunction with the land division application.
 - (3) Preliminary plats may not be approved without approval of the submitted infill development plan. Both the infill development plan and preliminary plat must be fully consistent with standards of this and all other applicable regulations.
 - (4) Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent development on the resultant ~~parcels lots~~ shall occur consistent with the approved infill development plan.
 - (5) Building permits may only be approved where fully consistent with the approved infill development plan and land division for all units with common walls.
 - (6) Developments meeting all requirements of this section are exempt from review under 40.520.040, Site Plan Review, pursuant to Section 40.520.040(A)(4)f, however, all elements required for a Proposed Development Plan as listed in Table 40.510.050-1, items 9 - 12 shall be submitted at the time of infill land division application. These elements shall be considered the Infill Development Plan.
- c. Building Mass Supplemental Standard. The maximum number and width of consecutively attached single family attached (i.e., with attached walls at property line) shall not exceed four (4) units.
- d. ~~Parcel Lot~~ Area Averaging. Within an infill land division for attached single family development, the minimum/maximum ~~parcel lot~~ area may be averaged as long as no ~~parcel lot~~ is smaller than the minimum ~~parcel lot~~ area identified in Table 40.260.110-4 and provided that the proposed land division complies with the minimum and maximum density standards in Table 40.260.110. Minimum ~~parcel lot~~ area shall not be further reduced by a variance procedure in Section 40.570.020. However, this shall not preclude variances to other standards, except as indicated in Section 40.260.110(G)(2).

Table 40.260.110-4
~~Parcel Lot~~ Area Averaging
Minimum ~~Parcel Lot~~ Area for Attached Single Family Dwellings

Zoning District	Minimum Parcel Lot Area for Attached Single Family (in square feet)
R1-5	3,000 sf
R1-6	4,000 sf
R1-7.5	5,000 sf

- e. Alley Access. Single family attached subdivisions (creation of four (4) or more ~~parcels lots~~ for single-

family attached dwellings) shall receive primary vehicle access from a rear alley if a public alley exists within or adjacent to the subdivision. Existing or new alleys on site that meet, at a minimum the standards of Table 40.350-030-4, Infill B Private Roadway, may use the design and construction standards in, Infill B Private Roadway and Drawing 18 of the Standard Details Manual. All other alleys must meet the design and construction standards of Infill A Roadways, Drawing 17 of the Standard Details Manual, regardless of the number of units, as long as a primary access road also serves the development site.

- f. Pedestrian Pathways. As necessary, the county shall require dedication of right-of-way or easements and construction of pathways between single family attached ~~parcels~~ lots (e.g. between building breaks) to provide for pedestrian connectivity.
- g. Common Areas. If provided, Common Areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of the applicable covenants, conditions and restrictions shall be provided to the county for review prior to final plat approval and recorded concurrently to the final plat.
- h. Design Requirements for Duplexes and Attached Single Family Dwellings. In order to encourage the compatibility of new infill duplex and attached single family development with the surrounding neighborhood, all new infill duplexes and infill attached single-family dwellings shall utilize at least four of the following design features:
 - (1) dormers
 - (2) recessed entries
 - (3) cupolas
 - (4) bay or bow windows
 - (5) attached garage
 - (6) window shutters
 - (7) a roof with a pitch greater than nominal 8:12
 - (8) off-sets on building face or roof (minimum 12")
 - (9) gables
 - (10) covered porch or entry with pillars or posts
 - (11) eaves (minimum 6")
 - (12) tile or shake roof
 - (13) horizontal lap, shingle, shake, brick or stone masonry siding. Lap siding, shingles, and shakes shall be exposed a maximum of 6 inches to the weather. Brick, or stone masonry when used as a veneer material must be at least 2 ½ inches thick.
 - (14) garage set at least 10 feet behind the front face of the primary dwelling unit.
 - (15) exterior window trim that is a minimum of 4 inches in width.
 - (16) other design features which reflect the architectural character of residences within 500 feet of the proposed development.